

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

JULY 20, 2011

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

***CLOSED SESSION MEETING – 5:00 P.M.
REGULAR MEETING – 6:00 P.M.***

CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:00 p.m.

ROLL CALL

Councilmembers present:	Spriggs, Bragg, King
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Bilbray
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

CLOSED SESSION

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADJOURN TO CLOSED SESSION UNDER:

1. CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code § 54957.6:

Agency Negotiator: City Manager

Employee organizations: Imperial Beach Firefighters' Association (IBFA)
Service Employees International Union (SEIU), Local 221
Unrepresented Employees
Management

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code § 54956.9(c) (1 case)

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code § 54956.9(b)(3)(A)
(1 case)

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:01 p.m. and he reconvened the meeting to Open Session at 6:00 p.m.

Reporting out of Closed Session, CITY ATTORNEY LYON announced City Council considered Closed Session Items 1, 2 and 3, direction was given and had no reportable action.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:01 p.m.

ROLL CALL

Councilmembers present:	Spriggs, Bragg, King
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Bilbray
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

**MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/
REPORTS ON ASSIGNMENTS AND COMMITTEES**

COUNCILMEMBER KING reported on his attendance at the SANDAG Bayshore Bikeway Working Group meeting stating the segment between National City and San Diego is near completion.

COUNCILMEMBER BRAGG reported on her attendance at a MTS Board Meeting stating rehabilitation of the Blue Line is making progress; lower cars were added to the Orange Line and will soon be added to the Blue Line, providing easier access for those with disabilities; and taxi cab drivers will have better representation on the Taxi Cab Advisory Committee.

MAYOR PRO TEM BILBRAY announced volunteers are needed for the upcoming Sandcastle event.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

PRESENTATIONS (1.1-1.2)

1.1 RECYCLE ALL-STAR AWARD PRESENTATION. (0270-30)

MAYOR JANNEY, along with MARCO TOPETE of EDCO, presented the Recycle All-Star Award Certificate, \$100 check and other premiums to Laura Bailey.

1.2* PRESENTATION ON SDG&E'S 2011 SUMMER OUTLOOK & CONSERVATION TIPS ON ENERGY USAGE BY CLAUDIA VALENZUELA, PUBLIC AFFAIRS MANAGER, SDG&E. (0820-90)

CLAUDIA VALENZUELA, Public Affairs Manager for SDG&E, gave a presentation on the item; and she distributed copies of energy saving pamphlets and the 2011 Summer Outlook.

CONSENT CALENDAR (2.1)

MOTION BY KING, SECOND BY BILBRAY, TO APPROVE CONSENT CALENDAR ITEM NO. 2.1. MOTION CARRIED UNANIMOUSLY.

2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 78607 through 78698 with the subtotal amount of \$237,890.19 and Payroll Checks 43979 through 44018 for the pay period ending 06/30/11 with the subtotal amount of \$176,331.02 for a total amount of \$414,221.21.

ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING(3.1-3.2)

3.1 ORDINANCE NO. 2011-1120 – TEMPORARILY SUSPENDING THE ENFORCEMENT OF IMPERIAL BEACH MUNICIPAL CODE SECTIONS 6.04.060 AND 12.60.100 IN THE BEACH AREA BETWEEN PALM AVENUE AND CARNATION AVENUE FOR A PERIOD OF SIX MONTHS BEGINNING ON THE EFFECTIVE DATE OF THE ORDINANCE AND DELEGATING AUTHORITY TO THE CITY MANAGER TO DRAFT RULES FOR USE OF THE AREA OF SUSPENDED ENFORCEMENT. (0920-90)

Correspondence were received from the following and provided as Last Minute Agenda Information:

- YMCA Camp Surf
- City's Response to YMCA Camp Surf
- IB Pet
- Cody & Ashley Humphrey

CITY MANAGER BROWN introduced the item.

INTERIM ASSISTANT CITY MANAGER CLARK gave a PowerPoint presentation on the item.

MALLE KERR spoke in opposition to a leash free dog beach area.

LINDA SOKOL indicated support for a leash free dog beach area (She did not wish to speak).

KARAN J. FITCH spoke in support for a leash free dog beach area.

JOHN WARNER spoke in opposition to a leash free dog beach area.

KIMBALL DODDS spoke in opposition to a leash free dog beach area.

LYNN DODDS spoke in opposition to a leash free dog beach area.

SHANNON JOHNSON speaking on behalf of IB Yappy, spoke in support for a leash free dog beach area (Additional speaking time donated by SHAWN JOHNSON).

VICTORIA LADYGINA spoke in opposition to a leash free dog beach area.

BRIAN JONES indicated opposition to a leash free dog beach area (He did not wish to speak).

SUSANA JONES indicated opposition to a leash free dog beach area (She did not wish to speak).

KEN & BECKY KEANE indicated opposition to a leash free dog beach area (They did not wish to speak).

RONALD SHORT spoke in opposition to a leash free dog beach area.

LINDA GORDON submitted a letter and spoke in opposition to a leash free dog beach area.

DICK HOWE submitted a letter and spoke in opposition to a leash free dog beach area.

ROBY OGAN submitted a letter and spoke in opposition to a leash free dog beach area.

VERONICA MARROQUIN, representing IB Yappy, indicated support for a leash free dog beach area (She did not wish to speak).

MURRAY HAMILTON submitted a letter and spoke in opposition to a leash free dog beach area.

JOSHUA CLARK indicated opposition to a leash free dog beach area (He was not present).

SARAH CLARK indicated opposition to a leash free dog beach area (She was not present).

CANDY UNGER, representing IB Yappy, spoke in support for a leash free dog beach area and submitted a sample informational pamphlet that can be used to educate the public on the rules for the off-leash area (Additional speaking time donated by JUDAH HEILMAN).

City Council discussion ensued. Concerns were raised regarding potential conflicts between beachgoers and off-leash dogs given that the proposed test site is a multiple-use area; the safety of people and dogs was a primary concern; and it was noted that dog parks and dog beaches in other cities are typically located away from residential areas.

MAYOR PRO TEM BILBRAY spoke in support for the off-leash test site.

MAYOR JANNEY closed the public hearing and he expressed concern about the location of the proposed site due to its close proximity to residences.

MOTION BY BILBRAY TO ADOPT STAFF'S RECOMMENDATION. MOTION FAILED DUE TO THE LACK OF A SECOND.

MOTION BY BRAGG, SECOND BY BILBRAY, FOR STAFF TO BRING BACK THE ORIGINAL LIST OF SITES FOR FURTHER DISCUSSION. MOTION CARRIED UNANIMOUSLY.

3.2 ORDINANCE 2011-1121 OF THE CITY OF IMPERIAL BEACH AUTHORIZING THE CITY OF IMPERIAL BEACH TO PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM, SUBJECT TO CERTAIN CONDITIONS AND RESERVATIONS. (0640-05)

The following items were submitted as Last Minute Agenda Information:

- Revised Ordinance No. 2011-1121
- E-mail correspondence from Catherine A. Rodman, Affordable Housing Advocates

CITY MANAGER BROWN reported on the item.

ED SORRELLS spoke in support for the Redevelopment Program and had positive comments on the Clean & Green Program.

COUNCILMEMBER SPRIGGS spoke about the many improvements made to the Imperial Beach community as a result of redevelopment; he spoke in support for the League of California Cities' efforts in challenging the legislation in court and seeking an injunction.

COUNCILMEMBER BRAGG noted that 90% of the City's accomplishments, which were presented at a previous City Council meeting, were achieved using redevelopment funding.

COUNCILMEMBER KING announced the City moved forward and realized progress and improvements because of redevelopment; and he supported staff's recommendation.

CITY ATTORNEY LYON announced a revised Ordinance was provided as Last Minute Agenda Information; and she suggested the addition of the following sentence at the end of Section 3 - Reservation of Rights, on page 3 "The City reserves all rights to withhold any remittance payments in the event that a court issues a stay to suspend and/or prohibit enforcement of any provisions of AB 26 and AB 27."

MAYOR JANNEY called for the first reading of the title of Ordinance No. 2011-1121.

CITY CLERK HALD read the title of Ordinance No. 2011-1121, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE CITY OF IMPERIAL BEACH TO PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM, SUBJECT TO CERTAIN CONDITIONS AND RESERVATIONS."

MOTION BY JANNEY, SECOND BY BILBRAY, TO DISPENSE FIRST READING OF ORDINANCE NO. 2011-1121 AS AMENDED BY THE CITY ATTORNEY AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING OF AUGUST 3, 2011. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 ORDINANCE 2011-1118 (AMENDED) PERTAINING TO MEDICAL MARIJUANA DISTRIBUTION FACILITIES. (0610-95)

CITY MANAGER BROWN reported on the item.

MICHAEL DENNSION requested City Council table the item for further discussion.

MARCUS BOYD spoke in support for medical marijuana distribution facilities.

BARBARA GORDON, on behalf of Tom Hetherington, spoke in opposition to medical marijuana distribution facilities in Imperial Beach.

DIANA WEST spoke in opposition to medical marijuana distribution facilities.

ROBERT BRENT spoke in opposition to medical marijuana distribution facilities.

MAYOR JANNEY called for the first reading of the title of Ordinance No. 2011-1118.

CITY CLERK HALD read the title of Ordinance No. 2011-1118 (Amended), "AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING TITLE 4 (BUSINESS LICENSING AND REGULATION) OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADDING CHAPTER 4.60 (MEDICAL MARIJUANA DISTRIBUTION FACILITIES)."

MOTION BY BRAGG, SECOND BY SPRIGGS, TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 2011-1118 BY TITLE ONLY. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: JANNEY, SPRIGGS, BRAGG, KING

NOES: COUNCILMEMBERS: BILBRAY

ABSENT: COUNCILMEMBERS: NONE

PUBLIC HEARINGS (5)

None.

REPORTS (6.1)

6.1 715 HOLLY AVENUE – ABANDONED VEHICLE ABATEMENT UPDATE. (0470-20)

CITY MANAGER BROWN reported on the item.

MAYOR PRO TEM BILBRAY encouraged staff to use local tow truck companies in the future.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:09 p.m.

/s/

James C. Janney, Mayor

/s/

Jacqueline M. Hald, MMC
City Clerk